



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/687,979
Filing Date	10/17/2003
First Named Inventor	Donald E. Weder
Art Unit	3644
Examiner Name	F. Palo
Attorney Docket Number	8404.011

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation of POA, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> 1. Transmittal Form (1 page); 2. Fee Transmittal (1 page); 3. Fee Determination Record (1 page); 4. Credit Card Payment Form (1 page); 5. Petition For Revival Of An Application For Patent Abandoned Unavoidably (4 pages); 6. Response To The Office Action Mailed 6/15/2004 (3 pages); 7. Notification of Filing of Continuing or Divisional Application (1 page); 8. Express Abandonment Under 37 CFR 1.138 (1 page); and 9. Postal Card.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	DUNLAP, CODDING & ROGERS, P.C.		
Signature			
Printed name	Kathryn L. Hester, Ph.D.		
Date	2-8-05	Reg. No.	46,768

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: \*\*\* SENT BY EXPRESS MAIL, DATED 02/08/2005; EV 373445587 US\*\*\*

Signature			
Typed or printed name	Kathryn L. Hester, Ph.D.	Date	2-8-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500

### Complete if Known

Application Number	10/687,979
Filing Date	10/17/2003
First Named Inventor	Donald E. Weder
Examiner Name	F. Palo
Art Unit	3644
Attorney Docket No.	8404.011

### METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims \_\_\_\_\_ Extra Claims \_\_\_\_\_ Fee (\$) \_\_\_\_\_ Fee Paid (\$) \_\_\_\_\_

- 20 or HP = 1 x \_\_\_\_\_ = 0  
HP = highest number of total claims paid for, if greater than 20

Indep. Claims \_\_\_\_\_ Extra Claims \_\_\_\_\_ Fee (\$) \_\_\_\_\_ Fee Paid (\$) \_\_\_\_\_

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = 0  
HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims  
Fee (\$) \_\_\_\_\_ Fee Paid (\$) \_\_\_\_\_

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets \_\_\_\_\_ Extra Sheets \_\_\_\_\_ Number of each additional 50 or fraction thereof \_\_\_\_\_ Fee (\$) \_\_\_\_\_ Fee Paid (\$) \_\_\_\_\_

- 100 = 0 / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = 0

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition - Code 1452 - \$500

Fees Paid (\$)  
0  
500

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	46,768	Telephone	405-607-8600
Name (Print/Type)	Kathryn L. Hester, Ph.D.			Date	2-8-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXPRESS MAIL NO.: EV 373445587 US  
DATE DEPOSITED: FEBRUARY 8, 2005

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald E. Weder ) Group No.: 3644  
Serial No.: 10/687,979 ) Examiner: F. Palo  
Filed: October 17, 2003 ) Atty. Dkt. No.: 8404.011  
For: METHOD FOR PROVIDING A DECORATIVE COVER FOR A FLORAL  
GROUPING

Mail Stop - Petitions  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**NOTIFICATION OF FILING OF CONTINUING  
OR DIVISIONAL APPLICATION**

Notification is hereby being made of the filing of a:

- ☒ continuation (8404.128)
- ☐ continuation-in-part
- ☐ divisional application for this case
- ☐ concurrently herewith
- ☒ on February 8, 2005.

Respectfully submitted,

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Agent for Applicant(s).



**EXPRESS MAIL NO.: EV 373445587 US**  
**DATE DEPOSITED: FEBRUARY 8, 2005**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: <u>Donald E. Weder</u>	)	Atty Dkt No:	8404.011
	)		
Serial No: 10/687,979	)	Examiner:	F. Palo
	)		
Filed: October 17, 2003	)	Art Unit:	3644
For:			
METHOD FOR PROVIDING A DECORATIVE COVER FOR A FLORAL GROUPING			

MAIL STOP - PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE OFFICE ACTION MAILED JUNE 15, 2004**

The filing of a continuation of the subject application herewith (Atty Dkt No. 8404.128) is meant to be a complete reply to the Office Action mailed June 15, 2004, which was never received by Applicant's representative. A Petition to revive the subject application due to unavoidable abandonment is filed herewith.

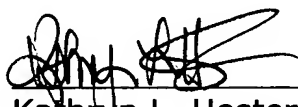
In the Office Action, the Examiner rejected Applicant's claims 1 and 3-15 under 35 U.S.C. 102(a) as being anticipated by Weder (US 5,205,108), and claim 2 under 35 U.S.C. 103(a) as being unpatentable over Weder ('108) in view of Bakker (NL 1005489C).

Applicant notes that the US 5,205,108 patent discloses the inventive concept of wrapping a floral grouping with a wrapper having an opening formed therein, and therefore such application was inadvertently omitted from the Cross-Reference to Related Applications section of the subject application. Since the period for amending the benefit claim of the subject application under 37 C.F.R. 1.78 has passed, Applicant has filed a continuation application that contains a full priority claim that relates back to the '108 patent.

Also in the Office Action, the Examiner rejected Applicant's claims 1-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of US Patent Nos. 6,662,497 and 6,499,251. Filed with the continuation application is a Terminal Disclaimer which complies with each and every provision of 37 C.F.R. §1.321 and 37 C.F.R. §1.130(b) and which disclaims the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,662,497 or US 6,499,251.

Therefore, Applicant respectfully submits that the filing of the continuation application herewith, together with the above-referenced Terminal Disclaimer in such continuation application, constitutes a complete response to the Office Action mailed June 15, 2004.

Respectfully submitted,



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